



SECTOR #3  
RESPONSE - NOTICE  
OF MISSING PARTS

File No.: A32130.072396.0162

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Aldo T. Iacono  
Serial No. : 09/244,792  
Filed : February 5, 1999  
For : USE OF AEROSOLIZED CYCLOSPORINE FOR PREVENTION  
AND TREATMENT OF PULMONARY DISEASE

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION UNDER 37 C.F.R. 1.53(f)

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, DC 20231

Sir:

Responsive to the Notice to File Missing Parts of Application Under 37 C.F.R. 1.53(f), enclosed herewith is a Declaration referring to the above-identified application by one or more of the following in compliance with 37 C.F.R. 1.63:

- ☒ [X] Name of inventor and application serial number;  
☒ [X] Name of inventor, attorney docket number which was on the application as filed, and filing date of the application;  
☒ [X] Name of inventor, title of invention and filing date;

CERTIFICATE OF MAIL

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on May 14, 1999.

Carmella L. Stephens  
Attorney Name

41,328  
Registration No.

Carmella L. Stephens  
Signature

May 14, 1999  
Date of Signature

55.00  
00000004 09244792  
05/18/1999 14:00:00  
02 FT:215

- ☐ Name of inventor, title of invention and reference to a specification which is attached to the oath or declaration at the time of execution and filed with the oath or declaration;
- ☒ Name of inventor, title of invention. As presently advised, the undersigned, a registered attorney, states that the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.

Also enclosed are:

1. ☒ A check in the amount of \$ 65.00  
☐ \$130 - Other than Small Entity  
☒ \$ 65 - Small Entity  
representing payment of the surcharge  
due for late filing of the Declaration  
pursuant to 37 C.F.R. 1.16(e);
  2. ☒ An extension of time to file the Response  
to Missing Parts is respectfully requested.  
The required fee, calculated pursuant to  
1.136(a), is enclosed in the amount of \$ 55.00
- TOTAL FEE \$ 120.00
3. ☒ A Verified Statement Claiming Small Entity Status.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 02-4377. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Carmella L. Stephens

Rochelle K. Seide  
Patent Office Reg. No. 32,300  
Attorney for Applicant(s)

Carmella L. Stephens  
Patent Office Reg. No. 41,328  
Agent for Applicant(s)  
(212) 408-2626

**BEST AVAILABLE COPY**

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/244,792 02/05/99 IACONO A P32130

021003  
BAKER & BOTTS  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

0242/0224

NOT ASSIGNED

1614

DATE MAILED:

02/24/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION***Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 8130.00.

☐ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.  
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

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